

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

FRANK VELIZ,

Plaintiff,

v.

MICHAEL BOUCHARD, et al.,

Defendants.

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Case Number: 05-60039

HON. MARIANNE O. BATTANI

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The Court having reviewed the Magistrate Judge's Report and Recommendation, (Doc. 51), and no objections having been filed thereto,

**IT IS SO ORDERED** that the Report and Recommendation is **ADOPTED**. Defendant's motion for summary judgment, (Doc. 48), is **GRANTED**. Defendant's request for costs and attorneys' fees is **DENIED**.

s/Marianne O. Battani

MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Dated: January 7, 2009

**CERTIFICATE OF SERVICE**

Copies of this Order were served upon Plaintiff and counsel of record on this date by ordinary mail and electronic filing.

s/Colette Motowski

Secretary